

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 17, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Larry Hudkins
Ray Stevens

Commissioners Absent: Kathy Campbell

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 10, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk or can be accessed at <http://www.ci.lincoln.ne.us>)

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated September 10, 2002. Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **SPECIAL PRESENTATIONS:**

There were no special presentations and the meeting proceeded as planned.

4) **CLAIMS FOR REVIEW:**

A. Payment Voucher 805-0429, dated September 6, 2002 - Nebraska Health and Human Services has requested payment, totaling \$25,742, for acute intake/evaluation.

David Johnson, Deputy County Attorney, recommended the claim be denied.

MOTION: Heier moved and Stevens seconded to accept the Deputy County Attorney's recommendation and deny the claim for review: Payment Voucher 805-0429, dated September 6, 2002 - Nebraska Health and Human Services has requested payment, totaling \$25,742, for acute intake/evaluation. Workman, Hudkins, Stevens and Heier voted aye. Motion carried.

5) **CLAIMS: Approval of all claims processed through Tuesday, September 17, 2002.**

MOTION: Heier moved and Stevens seconded approval of all claims processed through September 17, 2002. Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

6) **PUBLIC HEARINGS:**

A. An application for Corporate Manager for George Daniel Killam and a Class B (Beer Off Sale Only) and a Class M (Bottle Club) liquor license from Fosters Tap, Inc. d/b/a Fosters Tap located at 24049 South 12th Street in Princeton, Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to testify in favor, opposition or in a neutral position to the application.

The Clerk administered the oath to George Killam, applicant.

Killam stated he and his wife had purchased the bar and grill in Princeton and would like to serve alcohol.

Terry Wagner, County Sheriff, appeared and discussed a discrepancy on the application regarding a criminal conviction. He explained that the conviction related to tobacco sales to a minor.

6) **PUBLIC HEARINGS CONTINUED:**

In response to a question asked by Heier, Killam stated the sale was an oversight on his part.

Wagner indicated he was comfortable recommending approval of the application.

Stevens noted a discrepancy regarding the social security number of Killam's spouse on two areas of the application.

Workman asked Killam if he or his wife would have any objections to attending a Responsible Hospitality course.

Killam stated they would have no objections to attending the course.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was recessed for one week.

B. County Special Permit 193, Lakewood Hills Community Unit Plan, requested by Lyle Loth of ESP, on behalf of Robert E. Lookabaugh, consisting of five single family acreage residential lots and two outlots, on property generally located at North 84th Street and Agnew Road in Lancaster County, Nebraska.

C. County Preliminary Plat 02006, Lakewood Hills, requested by Lyle Loth of ESP, on behalf of Robert E. Lookabaugh, consisting of five single family acreage residential lots and two outlots, with requests to waive street trees, street lighting, landscape screens, sidewalks, block length and street frontage, on property generally located at North 84th Street and Agnew Road in Lancaster County, Nebraska.

The Chair noted they would hear Items 6B and 6C together and opened the hearings.

Lyle Loth of ESP appeared on behalf of the Lookabaugh's and indicated he was available to answer any technical or engineering questions.

Stevens inquired about the bridge loads.

6) **PUBLIC HEARINGS CONTINUED:**

Loth stated Robert Lookabaugh has retained a structural engineer to evaluate the bridge. He stated it was his understanding there would be a 25 ton load limit sign posted on the bridge.

Lookabaugh appeared and discussed the goals expressed in the 1994 Comprehensive Plan (Exhibit A).

Lookabaugh also referred to the Fact Sheets relating to the Special Permit and Preliminary Plat and noted the following:

- ▶ Page 004 - There would be only one outlot. The second outlot was abandoned.
- ▶ Page 012 - Lakewood Hills Preliminary Plat and Community Unit Plan. The driveway would be extended along the east boundary of the parcel.
- ▶ Page 005 - Grading/Drainage Plans.

Also proposed by Lookabaugh was the following language relating to Page 005, Number 9, Subsection 2 of the Fact Sheet: "The private driveway will not be accepted by Lancaster County for maintenance unless it is restructured to meet County standards in place at the time of application for maintenance is made."

Mike DeKalb, Planning Department, discussed the following updates:

- ▶ Page 007, Number 1.19 - Correct the tonnage of the railcar bridge from 20 tons to 25 tons.
- ▶ Page 004, Number 1 - Correct the number of outlots from two to one.

DeKalb also discussed the language proposed by Lookabaugh regarding driveways stating that the County would never accept a private drive for maintenance.

Johnson requested the following documentation be made a part of the record:

- ▶ Memorandum, dated September 13, 2002, from Jean Walker of the Planning Department (Exhibit B)
- ▶ Memorandum, dated September 13, 2002 from Larry Worrell, County Surveyor (Exhibit C)
- ▶ Fact Sheet pertaining to County Special Permit 193 (Exhibit D)
- ▶ Fact Sheet pertaining County Preliminary Plat 02006 (Exhibit E)

6) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to testify.

No one appeared and the hearings were closed.

MOTION: Heier moved and Hudkins seconded approval of County Change of Zone 193 and County Preliminary Plat 02006 with the following changes:

- ▶ **Page 004** - Change the word "two" to "one" relating to the number of outlots.
- ▶ **Pages 005 and 006** - County Attorney will draft language with the following intent: "The private driveway will not be accepted by Lancaster County for maintenance unless it has been platted as a street and meets County standards prior to acceptance.
- ▶ **Page 006, Item 4** - County Attorney will draft language with the following intent: "A majority of the private driveway should be improved to provide for two way traffic and culverts to pass a ten year storm."
- ▶ **Page 007** - Change 20 tons to 25 tons as it relates to posting on the railcar bridge.
- ▶ **Page 007, Item 1.12** - Strike "with a conservation easement".
- ▶ All references to Outlot B should be deleted.

Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

7) **OLD BUSINESS:**

A. A resolution in the matter of County maintenance of the following roads located in Hickman Ridge Estates Addition: (R-02-0039)

- ▶ **Approximately 3,236 feet of Hickman Ridge Road**
- ▶ **Approximately 490 feet of Natney Court**
- ▶ **Approximately 701 feet of Natney Street**
- ▶ **Approximately 1,271 feet of Leisure Lane**
- ▶ **Approximately 400 feet of Leisure Place**
- ▶ **Approximately 391 feet of Leisure Court**

MOTION: Heier moved and Hudkins seconded approval of Resolution 02-0039 in the matter of County maintenance of roads located in Hickman Ridge Estates Addition. Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

7) **OLD BUSINESS CONTINUED:**

- B. A resolution in the matter of application of the Lancaster County Zoning Regulations and Permit Requirements to farm residences or non-farm dwellings. (R-02-0106)**

MOTION: Hudkins moved and Stevens seconded approval of Resolution 02-0106 in the matter of application of the Lancaster County Zoning Regulations and Permit Requirements to farm residences or non-farm dwellings. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

8) **NEW BUSINESS:**

- A. An application for a Special Designated License from Ken's Liquor to hold a wedding reception on Saturday, October 5, 2002 from 4 p.m. to 1 a.m. at Country Pines located at 6305 West Adams.**

MOTION: Stevens moved and Hudkins seconded approval of an application for a Special Designated License from Ken's Liquor to hold a wedding reception on Saturday, October 5, 2002 from 4 p.m. to 1 a.m. at Country Pines located at 6305 West Adams subject to the conditions as outlined by the County Sheriff and the County Engineer. Workman, Hudkins, Stevens and Heier voted aye. Motion carried.

- B. A grant contract with the Lighthouse, Inc. to provide funding for the After School Program, in the amount of \$15,000. The term of the agreement is July 1, 2002 to June 30, 2003. (C-02-0455)**

MOTION: Heier moved and Stevens seconded approval of a grant contract with the Lighthouse, Inc. to provide funding for the After School Program, in the amount of \$15,000. The term of the agreement is July 1, 2002 to June 30, 2003. Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- C. An interlocal agreement with the Village of Denton for law enforcement services within the corporate limits of the Village from September 1, 2002 to August 31, 2003. The Sheriff shall assign one deputy for duty in the Village. The Village shall pay the County for each hour assigned at a rate equal to the overtime compensation which the County pays the deputy who worked the duty. The Village will also pay \$0.34 per mile. (C-02-0456)**

8) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of an interlocal agreement with the Village of Denton for law enforcement services within the corporate limits of the Village from September 1, 2002 to August 31, 2003. Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

D. A grant contract with Fresh Start Home for funding the general operations of the Transitional Housing Program which provides housing for homeless women for up to 12 months. The County will provide \$7,500 in funding. The term of the agreement is July 1, 2002 to June 30, 2003. (C-02-0457)

MOTION: Heier moved and Hudkins seconded approval of a grant contract with Fresh Start Home for funding the general operations of the Transitional Housing Program which provides housing for homeless women for up to 12 months. The County will provide \$7,500 in funding. The term of the agreement is July 1, 2002 to June 30, 2003. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

E. An agreement with the Lancaster Rural Water District Number 1 of Bennet for the adjustment of utilities on Saltillo Road from South 84th Street to South 98th Street due to County Project C55-P-401(1) which calls for the widening of the right-of-way. The County shall pay up to \$50,120 for the adjustment. The total estimated amount of the adjustment is \$60,150. (C-02-0458)

MOTION: Hudkins moved and Stevens seconded approval of an agreement with the Lancaster Rural Water District Number 1 of Bennet for the adjustment of utilities on Saltillo Road from South 84th Street to South 98th Street due to County Project C55-P-401(1) which calls for the widening of the right-of-way. The County shall pay up to \$50,120 for the adjustment. The total estimated amount of the adjustment is \$60,150. Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

8) **NEW BUSINESS CONTINUED:**

F. An agreement with the Lancaster Rural Water District Number 1 of Bennet for the adjustment of utilities on Old Cheney Road from South 112th Street to South 148th Street due to County Project C55-Q-407(1) which calls for the widening of the right-of-way. The County shall pay up to \$76,875 for the adjustment. The total estimated amount of the adjustment is \$93,000. (C-02-459)

MOTION: Stevens moved and Hudkins seconded approval of an agreement with the Lancaster Rural Water District Number 1 of Bennet for the adjustment of utilities on Old Cheney Road from South 112th Street to South 148th Street due to County Project C55-Q-407(1) which calls for the widening of the right-of-way. The County shall pay up to \$76,875 for the adjustment. The total estimated amount of the adjustment is \$93,000. Stevens, Hudkins and Workman voted aye. Heier abstained from voting. Motion carried.

G. Approval of sale and warranty deed of County property to B & J Partnership, Ltd., in the amount of \$130,000. The property is Lots 4, 5 and 6, Block 90, Original Plat of the City of Lincoln, Lancaster County, Nebraska. (C-02-0461)

This item was held at the request of the Deputy County Attorney.

H. A resolution in the matter of annual salary increases for unclassified employees other than elected officials and chief deputies, effective August 22, 2002. (R-02-0109)

MOTION: Heier moved and Stevens seconded approval of Resolution 02-0109 in the matter of annual salary increases for unclassified employees other than elected officials and chief deputies, effective August 22, 2002. Workman, Hudkins, Stevens and Heier voted aye. Motion carried.

8) **NEW BUSINESS CONTINUED:**

- I. A resolution in the matter of increasing the amount employees may designate for unreimbursed medical expenses in their Flexible Employee Benefit Account (FEBA) from \$2,500 to \$3,500 per calendar year, effective January 1, 2003. (R-02-0110)**

MOTION: Heier moved and Stevens seconded approval of Resolution 02-0110 in the matter of increasing the amount employees may designate for unreimbursed medical expenses in their Flexible Employee Benefit Account (FEBA) from \$2,500 to \$3,500 per calendar year, effective January 1, 2003. Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

- J. Reappointment of Phyllis Bovee and Barb McCabe to the Lincoln Area Agency on Aging Advisory Council, terms to expire July 1, 2005.**

MOTION: Hudkins moved and Stevens seconded approval of the reappointment of Phyllis Bovee and Barb McCabe to the Lincoln Area Agency on Aging Advisory Council, terms to expire July 1, 2005. Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

- K. A political subdivision tort claim filed against Lancaster County by Debra Hornung for damage to property, in the amount of \$112.73.**

Johnson recommended that the tort claim be held for further review.

MOTION: Hudkins moved and Heier seconded to hold a political subdivision tort claim filed against Lancaster County by Debra Hornung for damage to property, in the amount of \$112.73. Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

- L. A political subdivision tort claim filed against the Lancaster County Corrections Department by Cedric Jones for lost property, in the amount of \$2.80.**

MOTION: Heier moved and Stevens seconded to accept the Director's recommendation and deny a political subdivision tort claim filed against the Lancaster County Corrections Department by Cedric Jones for lost property, in the amount of \$2.80. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

8) **NEW BUSINESS CONTINUED:**

M. A political subdivision tort claim filed against the Lancaster County Corrections Department by Kevin Phillips for lost property, in the amount of \$24.

MOTION: Heier moved and Stevens seconded to accept the Director's recommendation and deny the political subdivision tort claim filed against the Lancaster County Corrections Department by Kevin Phillips for lost property, in the amount of \$24. Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

N. A political subdivision tort claim filed against the Lancaster County Corrections Department by Adam James Nesbitt for lost property, in the amount of \$30 to \$45.

MOTION: Stevens moved and Hudkins seconded to accept the Director's recommendation and deny the political subdivision tort claim filed against the Lancaster County Corrections Department by Adam James Nesbitt for lost property, in the amount of \$30 to \$45. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

9) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. Lancaster Manor's Monthly Report.
2. Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for August, 2002.
3. Noxious Weed Control Authority's Monthly Report for August, 2002.
4. Register of Deeds Monthly Report for August, 2002.

B. Setting of a public hearing for Tuesday, September 24, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building to increase the appropriations for the County Property Management Fund from \$733,882 to \$734,493.

9) CONSENT ITEMS CONTINUED:

- C. A resolution in the matter of County Change of Zone 208, requested by W. Scott Hayman on behalf of Roger D. Hayman, from AG Agricultural to R Residential on property generally located at South 96th Street and Panama Road in Lancaster County, Nebraska. (R-02-0107)
- D. A resolution in the matter of authorizing the removal/installation of the following traffic signs in Lancaster County, Nebraska: (R-02-0108)
- ▶ Install a "School Bus Stop Ahead" sign for westbound traffic in advance of the Walton residence located at 11020 Yankee Hill Road, which was requested by the Cheney School District.
 - ▶ Remove a "School Bus Stop Ahead" sign for northbound traffic in advance of 7700 South 98th Street.
 - ▶ Install a 55 M.P.H. speed limit sign on South 27th Street at the Lincoln City Limits for southbound traffic.
 - ▶ Install a 55 M.P.H. speed limit sign on South 40th Street south of Yankee Hill Road at the beginning of the pavement for southbound traffic.

MOTION: Hudkins moved and Stevens seconded approval of the Consent Items. Workman, Hudkins, Stevens and Heier voted aye. Motion carried.

10) ADJOURNMENT:

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting. Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 17, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Larry Hudkins
Ray Stevens

Commissioners Absent: Kathy Campbell

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 10, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated September 10, 2002. Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 55 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Heier moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Arc of Nebraska
Christian Heritage Children's Home
Sacred Heart Church
Villa Marie School**

MOTION: Heier moved and Stevens seconded approval of motor vehicle tax exemptions for Arc of Nebraska, Christian Heritage Children's Home, Sacred Heart Church and Villa Marie School. Workman, Hudkins, Stevens and Heier voted aye. Motion carried.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

Hartland Homes Inc.

The County Assessor requested that the notice of valuation change for Hartland Homes, Inc. be deleted.

Hilltop Foundation (4 notices)

Norm Agena, County Assessor, explained that the Nebraska Academy of Science sold the four parcels to the Hilltop Foundation on July 22, 2002. Because Hilltop Foundation did not apply for non-exempt status prior to August 1st the property must go back on the tax rolls.

Nancy K. Peters and John R. Steinberger

Recommendation was to assess a value of \$106,260 for Nancy K. Peters and John R. Steinberger.

SBA Tower

Agena explained that the SBA tower is located on a parcel which is shared by an Alltel tower. He stated the Alltel tower is centrally assessed, however, the SBA group doesn't qualify for central assessment.

MOTION: Hudkins moved and Stevens seconded to accept the County Assessor's recommendation and set the new values as follows: \$218,900 for Hilltop Foundation (Parcel I.D. 11-02-400-061-000), \$253,770 for Hilltop Foundation (Parcel I.D. 11-02-400-062-000), \$39,600 for Hilltop Foundation (Parcel I.D. 11-02-400-046-000), \$132,000 for Hilltop Foundation (Parcel I.D. 11-02-400-045-000), \$106,260 for Nancy K. Peters and John R. Steinberger (Parcel I.D. 17-09-424-006-000) and \$254,453 for SBA Tower (Parcel I.D. 24-27-200-002-101). Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

6) **REMOVAL OF 2002 451A TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY FOR THE FOLLOWING:**

Saint David's Church

(Parcel I.D. 17-09-424-006-000, Exemption 311)

Saint John's Reformed Church

(Parcel I.D. 11-12-207-026-000, Exemption 360A)

This item was removed at the request of the County Assessor.

Nebraska Academy of Sciences, Inc.

(Parcel I.D. 11-02-400-061-000, Exemption 256A)

(Parcel I.D. P044898, Exemption 256B)

(Parcel 11-02-400-062-000, Exemption 256C)

(Parcel 11-02-400-046-000, Exemption 256D)

(Parcel 11-02-400-045-000, Exemption 256E)

MOTION: Heier moved and Stevens seconded to accept the County Assessor's recommendation and remove 2002 451A tax exemptions on real and personal property for the following: Saint David's Church (Parcel I.D. 17-09-424-006-000), Nebraska Academy of Sciences, Inc. (Parcel I.D. 11-02-400-061-000, Parcel I.D. P044898, Parcel I.D. 11-02-400-062-000, Parcel I.D. 11-02-400-046-000 and Parcel 11-02-400-045-000). Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Hudkins moved and Heier seconded adjournment of the Board of Equalization meeting. Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk